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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,499	12/26/2001	Kevin Stanley	284P2US	7863

20577 7590 10/14/2004

LONG AND CAMERON  
SUITE 1401 - 1166 ALBERNI STREET  
VANCOUVER, BC V6E 3Z3  
CANADA

EXAMINER
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NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,499

Applicant(s)

STANLEY ET AL. 

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

Claims 1, 5-7, 9 were indicated as allowable in the office action issued on June 1, 2004. In view of the newly found patent granted to Mitzlaff (US 6,014,102), the novelty feature set forth in claims 1, 5-7, and 9 appeared to have been taught by Mitzlaff, the indicated allowability is, therefore, withdrawn. A new ground of rejection has been established herewith.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitzlaff et al (US 6,014,102) in view of Brown et al (US 4,754,280).

As per claim 1, Mitzlaff teaches a self correcting navigation system, the system comprises: means for providing position measurement signal representing the position of a mobile unit 114 (fig.1) and means for broadcasting an RF signal containing the position measurement data (col.4, lines 23-34; col.2, lines 45-55); first means for deriving the position data from the transmitted RF signal (col.4, lines 34-37); second means for effecting phase difference measurement of the RF signal to provide phase difference information (col.4, lines 8-18), and data processing means 103 (fig.1) for providing output representing the position data corrected for drift (col.4, lines 38-58). Mitzlaff does not explicitly teach displaying the position

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data, and Mitzlaff does not teach that the signal is an inertial measurement signal, and using phase difference triangulation measurement to provide phase information. However, displaying position data would have been well known. Moreover, Mitzlaff teaches that the position measurement signal can be any independent position determining system (col.2, lines 45-47), it would have been well known that the inertial position measurement at a mobile unit is one type of independent position determining method as taught by Brown in col.1, lines 11-35, an ordinary person skilled in the art at the time the invention was made would be able to use the well known inertial system of Brown for independently obtaining the position of the mobile unit 114 (fig.1) of Mitzlaff. Moreover, Mitzlaff teaches using a plurality of antennas at different base stations at different locations for determining the phase difference (col.3, lines 42-47), furthermore, using triangular technique for determining phase difference utilizing signals from different receivers at different base stations would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply well known triangulation technique in determining phase difference of Mitzlaff in order to facilitate estimating phase difference using well established triangulating method for determining the phase difference of the position signal from the mobile device.

As per claim 5-7, 9, refer to claim 1 above.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The  
examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this  
Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1111.



**THU V. NGUYEN  
PRIMARY EXAMINER**

September 21, 2004